

## CHAPTER 3 - PROTECTION OF PUBLIC HEALTH AND SAFETY AT JETTIES, GROINS, AND BREAKWATERS

3-1. Purpose. This chapter establishes guidance on determining the appropriate level of protection to be provided for public health and safety at USACE-maintained jetties, groins, and breakwaters in the absence of cost sharing for recreation.

3-2. Applicability. This chapter applies to all USACE commands having responsibility for civil works navigation functions and structures within the navigable waters of the United States.

3-3. Background.

a. The USACE currently operates and maintains 667 jetties, groins, and breakwaters in the coastal and Great Lakes regions of the United States. Approximately one-half (318) of these USACE structures are used by the public for recreation. This pamphlet will provide national consistency in the procedure for determining needs for public health and safety at all USACE jetties, groins, and breakwaters.

b. The physical nature and setting of jetties, groins, and breakwaters makes them inherently dangerous for general public use and at the same time, attractive to fishermen and recreationists.

3-4. Guidance. Three alternatives are provided to meet health and safety needs at USACE-maintained jetties, groins, and breakwaters. MSC commanders shall determine which alternative or combination of alternatives to select based upon site specific rationale.

a. No action. This “do nothing” alternative provides the lower end of a range of options, and may be appropriate for instances where negligible safety hazards exist or public access is not readily provided.

b. Post warning signs. Under this alternative, warning signs would be posted, regularly inspected, and replaced as often as necessary to inform and alert the public of hazardous conditions related to the jetty, groin, or breakwater. All signing will be in accordance with the Sign Standards Manual, EP 310-1-6a and b. This alternative provides safety warning for public visitors while not encouraging public use of these structures.

c. Deny entry or access. This alternative requires installation of a fence, barricade, or other suitable construction that precludes entry or access onto jetties, groins, and breakwaters. Before entry or access is closed to the public, consideration should be given to the extent of public use and determination of potential hazards. Such an option, on an individual basis, may be necessary in dealing with a particularly dangerous jetty, groin, or breakwater.

3-5. Providing other Minimum Facilities for Public Health and Safety. The policy for the protection of public health and safety at jetties, groins, and breakwaters precludes the construction of minimum facilities such as walkways, handrails, and sanitary facilities since these provisions tend to encourage public use and might increase the risk to safety of the visiting public. Where this is impractical, any such facilities will require approval by CECW-OD and CESO.

3-6. Program Implementation. MSC commanders will analyze and select one or more of the above alternatives to provide health and safety at USACE jetties, groins, and breakwaters. In determining the appropriate management, MSC commanders should consider visitation, health and safety problems including preparing an Activity Hazards Analysis, state and local laws and regulations, participation of local authorities, Federal liability with and without facilities, and the general public safety. MSC commanders shall complete a Hazard Analysis of all USACE jetties, groins, and breakwaters. This analysis should be reviewed periodically to determine the relative degree of hazard at each structure and the need for increased emphasis of public health and safety. Costs for health and safety will be allocated to project purposes and shared with project sponsors on the same basis as those purposes. Costs for the alternatives can be programmed using O&M, General funds or FC, MR&T, Maintenance funds as appropriate through normal budgeting procedures. However, at structures for which local cooperation agreements or contracts for cost sharing have been consummated, or were not required, non-Federal sponsors may be asked to provide or participate in the signing, fencing, etc., but cannot be required to do so.